

SUPREME COURT OF THE STATE OF NEW
YORK COUNTY OF NASSAU

Index No.: _____/19

-----X
JANE DOE,

Plaintiff,

-against -

GOOD SAMARITAN HOSPITAL,

Defendant.
-----XPlaintiff designates
NASSAU COUNTY
as place of trial.The basis of venue is
Plaintiff's resides in Nassau
County.SUMMONS

To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, NASSAU COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:

GOOD SAMARITAN HOSPITAL

1000 Montauk Highway

West Islip, NY 11795

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU****Index No.:**

_____/19

-----X
JANE DOE,**Plaintiff,****-against -****VERIFIED
COMPLAINT****GOOD SAMARITAN HOSPITAL,****Defendant.**-----X
Plaintiff,¹ above named, complaining of the defendants, by **MERSON LAW,**
PLLC., respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of plaintiff, Jane Doe, who was sexually abused as a child by John Doe at and of Good Samaritan Hospital ("Good Samaritan")
2. John Doe was a janitor, agent, servant and/or employee working at Good Samaritan Hospital. John Doe was known among the community and among the staff at Good Samaritan as a sexual predator.
3. In or about 1984, John Doe, while acting under the scope of his employment with Good Samaritan and on behalf of Good Samaritan, entered plaintiff's hospital room and sexually assaulted her by taking off her pajamas, exposing himself and performing oral sex on her. Plaintiff was 5 years old.
4. Despite Good Samaritan's knowledge that John Doe sexually abused minor aged patients of their hospital and/or had the propensity to sexually abuse minor aged patients at their

¹ Plaintiff uses a pseudonym because she is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

hospital, Good Samaritan allowed and/or encouraged John Doe unfettered access to its minor aged patients, on company premises without proper supervision.

5. Plaintiff brings this lawsuit to recover for the emotional and physical suffering she incurred because of the negligence of Good Samaritan Hospital and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

PARTIES

6. At all times herein mentioned defendant **GOOD SAMARITAN HOSPITAL** was a domestic corporation organized and authorized to do business under the laws of the State of New York.
7. At all times herein mentioned, defendant **GOOD SAMARITAN HOSPITAL** was located at 1000 Montauk Highway, West Islip, New York 11795.
8. At all times herein mentioned, John Doe was a janitor, agent, servant and/or employee operating under the direction and control of defendant **GOOD SAMARITAN HOSPITAL**, and its agents, servants and/or employees.
9. At all times herein mentioned, John Doe was an agent, servant and/or employee of defendant **GOOD SAMARITAN HOSPITAL**.

FACTS OF THE CASE

10. Defendant **GOOD SAMARITAN HOSPITAL's** negligence and recklessness caused John Doe to have access to children, including on Good Samaritan premises, despite its knowledge that John Doe sexually abused children and/or had the propensity to sexually abuse to do so and therefore are responsible for the injuries that Plaintiff incurred because but for Defendant **GOOD SAMARITAN's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by John Doe. Defendant **GOOD**

SAMARITAN HOSPITAL's gross negligence, reckless, wanton and/or willful conduct warrants punitive liability.

11. At all times herein mentioned, John Doe was a janitor at Good Samaritan.
12. In or about 1984, John Doe sexually abused Plaintiff, then five years old, while she was a patient at Good Samaritan.
13. John Doe, while acting under the direction and control of Good Samaritan, entered Plaintiff's hospital room when she was alone to work on her bathroom. He then approached her bed, took her pajamas off, exposed himself to her and performed oral sex on her.
14. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant's negligence in undertaking a duty, including, but not limited to, in loco parentis to keep its patients safe from predators and failing to act in accord with that duty by allowing John Doe to continue his role where he had the access and the means to prey on young girls like Plaintiff, and Good Samaritan had a duty to supervise John Doe.

AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE

15. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 14., inclusive, with the same force and effect as if hereinafter set forth at length.
16. At all times mentioned herein, defendant **GOOD SAMARITAN HOSPITAL** owed a duty of care, including in loco parentis, to keep its minor aged patients in its hospital safe from sexual abuse by its agents, servants and/or employees under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and the hospital had a duty to supervise John Doe.

17. At all times herein mentioned, defendant **GOOD SAMARITAN HOSPITAL** owed a duty of care to properly supervise its agents, servants and/or employees including its janitorial staff to ensure that its minor aged patients were not being sexually abused by its agents, servants and/or employees on its premises.
18. At all times mentioned herein, defendant **GOOD SAMARITAN HOSPITAL** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
19. As a result of the negligence of defendant **GOOD SAMARITAN HOSPITAL** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
20. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
21. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
22. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
23. This action falls within exceptions to Article 16 of the C.P.L.R.

AS FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING, RETENTION

AND SUPERVISION

24. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 23., inclusive, with the same force and effect as if hereinafter set forth at length.

25. Defendant **GOOD SAMARTIAN HOSPITAL**, had a duty to supervise and prevent known risks of harm to its children and patients.
26. Defendant was negligent in hiring, retaining and supervising John Doe and other hospital agents, servants and/or employees who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge, skill and moral character of hospital staff who should have properly been supervising the janitorial staff and minor aged patients to ensure the safety of the minor aged patients.
27. Defendant **GOOD SAMARITAN HOSPITAL** knew or should have known that John Doe sexually assaulted plaintiff and/or had the capacity and/or propensity to do so, and failed to supervise him.
28. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
29. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
30. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
31. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
32. This action falls within exceptions to Article 16 of the C.P.L.R.


AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS

33. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 32., inclusive, with the same force and effect as if herein set forth at length.
34. Defendant **GOOD SAMARITAN HOSPITAL** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire John Doe, the Janitor who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
35. Defendant **GOOD SAMARITAN HOSPITAL** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
36. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by John Doe.
37. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted John Doe sexually abusing Plaintiff.
38. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
39. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
40. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
41. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Sarah R. Cantos
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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-----X
JANE DOE,*Plaintiff,*

-against -

**ATTORNEY
VERIFICATION**

GOOD SAMARITAN HOSPITAL,

Defendant.-----X
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 14, 2019

_____
JORDAN K. MERSON

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Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

JANE DOE,

Plaintiff,

- against -

GOOD SAMARITAN HOSPITAL,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone

150 East 58th Street 34th Fl.
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(212) 603-9100

To: All Parties
